

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

MARIA DEL ROSARIO DOMINGUEZ

vs.

TARGET CORPORATION,
INDIVIDUALLY AND D/B/A
TARGET STORE #2112,

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CIVIL ACTION NO. 5:18-cv-23

NOTICE OF REMOVAL

Defendant Target Corporation (“Target”) presents this Notice of Removal of the suit brought by Maria Del Rosario Dominguez (“Plaintiff”) from the 111th District Court of Webb County, Texas, where the suit was instituted, to this United States District Court for the Southern District of Texas, Laredo Division. Expressly reserving all questions other than that of removal, Target respectfully shows that removal is proper as follows:

I. STATE COURT SUIT

1.1 On or about January 16, 2018, Plaintiff commenced an action in the 111th Judicial District Court of Webb County, Texas, entitled “*Maria Del Rosario Dominguez vs. Target Corporation, Individually and d/b/a Target Store #2112*” and bearing Cause No. 2018CVF000071D2 (the “State Court Suit”).

1.2 Service of citation in the State Court Suit was made on Target on January 23, 2018. Therefore, this Notice of Removal is timely filed by Target. 28 U.S.C. § 1446(b).

1.3 The State Court Suit is a civil suit in which Plaintiff claims personal injuries sustained while inside Target’s premises.

II. PARTIES AND CITIZENSHIP

2.1 Plaintiff is and was an individual domiciled in Texas and a citizen of the State of Texas and no other state at all relevant times, including when the State Court Suit was filed and removed.

2.2 Target is a foreign corporation duly formed and existing under the laws of the State of Minnesota with its principal place of business in Minneapolis, Minnesota. Target, at the time suit was filed, when this case was removed, and at present, was, and is, a citizen of Minnesota and no other state.

III. DIVERSITY JURISDICTION

3.1 Complete diversity exists between Plaintiff, a citizen of Texas, and Target, a citizen of Minnesota. Additionally, the matter in controversy between Plaintiff and Target exceeds, exclusive of interest and costs, the sum of \$75,000; Plaintiff contends in the State Court Suit that she seeks an amount over \$200,000. *Plaintiff's Original Petition*, Exhibit A-2, ¶ 6. This Court therefore has subject matter jurisdiction of this case pursuant to diversity jurisdiction. 28 U.S.C. § 1332.

IV. OTHER MATTERS

4.1 Upon filing this Notice of Removal, Target will provide written notification to Plaintiff and will file a Notification of Removal, attaching a copy of this Notice of Removal, with the Clerk for the 111th Judicial District Court of Webb County, Texas.

4.2 Plaintiff made a jury demand in state court.

4.3 Target provides a copy of the docket sheet, process, pleadings, and any signed orders served in the State Court Suit, together with an index of matters being filed, and a list of all counsel of record. These documents are attached as Exhibit A.

V. CONCLUSION

5.1 This case is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter under 28 U.S.C. §1332. Removal of this case is proper under 28 U.S.C. §1441 and in conformance with 28 U.S.C. §1446. For these reasons, Target removed this case from the 111th Judicial District Court of Webb County, Texas, to this Court and prays that this Court enter such orders and grant such relief as may be necessary to secure such removal.

Respectfully submitted,

/s/ Timothy McMurtrie

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AND D/B/A TARGET STORE #2112

OF COUNSEL:

ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.

CERTIFICATE OF SERVICE

I certify that the foregoing instrument was served to counsel of record by means indicated below on this 16th day of February, 2018.

VIA E-SERVICE

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The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

MAG. JUDGE